



USDA Foreign Agricultural Service

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## Mexico

### Fresh Deciduous Fruit

### U.S. Apple Antidumping Issues

2003

**Approved by:**

William L. Brant  
Mexico City

**Prepared by:**

Dulce Flores

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**Report Highlights:**

The Secretariat of Economy (SE) published in the *Diario Oficial* (Federal Register), three different announcements rejecting administrative petitions related to the final resolution of the antidumping investigation on U.S. apples and the suspension of an apple reference price agreement.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Mexico [MX1]  
[MX]

**Introduction:** This report summarizes three announcements published in Mexico's "*Diario Oficial*" (Federal Register) on March 26, 27, and 31, 2003 related to the apple antidumping final resolution and the suspension of the apple reference price agreement.

**Disclaimer:** This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

**FAS/Mexico's Executive Summary:** The Secretariat of Economy (SE) published in the *Diario Oficial* (Federal Register), three different announcements rejecting administrative petitions related to the final resolutions of the antidumping investigation on U.S. apples and the suspension of the apple reference price agreement. A summary follows:

**1.- Decision rejecting the administrative petition filed by the Northwest Horticultural Council (NHC) to repeal the final resolution which ended the apple reference price. This decision was published on March 26, 2003 in the Diario Oficial.** On October 14, 2002, the NHC filed an administrative petition at the SE, to repeal the SE resolutions ending the apple reference price agreement and reinitiating the antidumping investigation, both of which were published in the *Diario Oficial* (Federal Register) on August 9, 2002. NHC's petition filed against this resolution was declared as contrary to the law and cited Article 94 of the Foreign Trade Law. This article cites that administrative petitions to repeal can only be granted when such petitions fall under the ten conditions listed. According to SE, NHC's petition did not fall under any of these conditions.

**2.- Decision rejecting NHC's administrative petition to repeal the final resolution of the antidumping investigation on U.S. apples. This decision was published on March 27, 2003 in the Diario Oficial.** On November 14, 2002, the NHC filed an administrative petition at the SE to repeal the final resolution of the antidumping investigation on U.S. apples that was published on August 12, 2003, by which compensatory duties were imposed on U.S. Red and Golden Delicious apples (see report MX2111). NHC's petition was declared as contrary to the law, due to Article 124 of the Fiscal Code of the Federation, which declares that such a petition is not valid if the administrative actions (i.e., the paying of the antidumping duties) do not affect the legal interest of the company (i.e., NHC). The SE decision argues that, as an association not directly affected by the imposition of antidumping duties, NHC is not the appropriate party authorized to submit such a petition, as would be those parties which are indeed directly affected (i.e., apple exporting companies).

**3.- Decision rejecting the administrative petition of the National Confederation of Wholesale Merchandisers (CONACCA) to repeal the final resolution of the antidumping investigation on U.S. apples. This decision was published on March 31, 2003 in the Diario Oficial.** On November 6, 2002, CONACCA filed an administrative petition at the SE to repeal the final resolution on the antidumping investigation on U.S. apples that was published on August 12, 2003, by which compensatory duties were imposed on U.S. Red and Golden Delicious apples. CONACCA's petition was declared as contrary to the law, due to the same reasons cited for NHC (see point #2). SE's argument maintains that, as an association representing wholesale merchandisers, the legal interest of CONACCA is not affected, and it is therefore not the appropriate party authorized to submit such a petition, as would be those parties which are indeed directly affected (i.e., apple importing companies).

All three announcements contain the injuries or irregularities contained in the petitions as well as the documents presented by each company to support the petition. All three petitions were rejected by SE as being contrary to the law.

**For More Information:**

*AgMexico@usda.gov*

*Fax: 011-52-55-5080-2776*

**Internet Connections**

*FAS Mexico Web Site:* We are available at <http://www.atomexico.gob.mx> or visit our headquarter's home page at <http://www.fas.usda.gov> for a complete selection of FAS' worldwide agricultural reporting.

***Useful Mexican Web Sites:*** Mexico's equivalent of the Department of Agriculture (SAGARPA) can be found at [www.sagarpa.gob.mx](http://www.sagarpa.gob.mx) and Mexico's equivalent of the Department of Commerce (SE) can be found at [www.se.gob.mx](http://www.se.gob.mx). These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained on the mentioned sites.